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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY RIOS,

Defendant.

Case No. 2:20-mj-00224-BNW

**Stipulation to Extend Deadlines to  
Conduct Preliminary Hearing and  
File Indictment (Third Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, Acting United States Attorney, and Andrew W. Duncan, Assistant United States Attorney, counsel for the United States of America, and Jawara Griffin, counsel for Defendant Anthony Rios, that the Court vacate the preliminary hearing scheduled for August 10, 2021, at 2:00 p.m. and reschedule the hearing for a date and time convenient to this Court, but no sooner than 30 days from the currently scheduled date. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 21 days of a released defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

1 This stipulation is entered into for the following reasons:

2 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the  
3 preliminary hearing within a reasonable time, but . . . no later than 21 days [after the initial  
4 appearance] if [the defendant is] not in custody . . . .”

5 2. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a  
6 showing of good cause—taking into account the public interest in the prompt disposition of  
7 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
8 times . . . .”

9 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
10 information or indictment charging an individual with the commission of an offense shall be  
11 filed within thirty days from the date on which such individual was arrested or served with a  
12 summons in connection with such charges. If an individual has been charged with a felony  
13 in a district in which no grand jury has been in session during such thirty-day period, the  
14 period of time for filing of the indictment shall be extended an additional thirty days.”

15 4. Moreover, the parties have entered into negotiations in an attempt to  
16 promptly resolve this case and reduce the judicial and government resources required by  
17 this case. The defense requires additional time to review discovery and adequately advise  
18 Defendant regarding any plea negotiations.

19 5. The additional time requested herein is not sought for the purposes of delay,  
20 but to allow counsel for Defendant sufficient time to effectively and thoroughly research and  
21 prepare and to determine whether to proceed with a preliminary hearing and indictment or  
22 to resolve this case through negotiations.

23 6. Accordingly, the parties jointly request that the Court schedule the  
24 preliminary hearing in this case no sooner than 30 days from the currently scheduled date.



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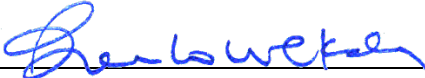
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**[Proposed] Order on Stipulation to  
Continue Preliminary Hearing and  
Deadline to Indict Defendant**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for August 10, 2021, at 2:00 p.m., be vacated and continued to 9/21/2021 at the hour of 3:30 p.m.

DATED this 9th day of August, 2021.

  
HONORABLE BRENDA N. WEKSLER  
UNITED STATES MAGISTRATE JUDGE